

DEMOCRATIC ELECTIONS

DISASSOCIATION FROM THOSE WHO
PERMITTED SHIRKIYA ELECTIONS

SULYMAN ALWAN, TARIFI, HUWAYNI, MUHAMMAD HASSAN & OTHERS

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Fatwa: The Ruling of Those Who Permit Democratic Elections and a Refutation of the Evidence used:

All Praise be to Allah, Lord of the universe, and may the prayers and peace be upon the best of all creation, Muhammad bin Abdullah ﷺ and upon his family and companions.

As for what follows...

Some of those who wish to destroy the deen have argued with invalid weak arguments, regarding the permissibility of the shirkiyya democratic elections, and defend those who issued fatwas permitting entry for them and practiced them, and claim they have not fallen into kufr due to ta'wil/credible interpretation!!!

The most prominent of what was mentioned in evidence for this, which are in reality nothing more than speculations and doubts which they think to be evidence, are the following:

1) The story mentioned in the verses at the beginning of Surah al-Rum;

{Alif Laam Meem. The Romans have been defeated. In a nearby land, Yet following their defeat, they will triumph. Within three to nine years. The 'whole' matter rests with Allah before and after 'victory'. And on that day the believers will rejoice. At the victory willed by Allah. He gives victory to whomever He wills. For He is the Almighty, Most Merciful.} (Surah Rum: 5-6)

The evidence they use from the verse is the Muslims' joy for the victory of the kuffar who were less harmful than the more harmful ones.

2) They also based the permitting of elections on the principle 'necessities permit prohibitions', and on the saying of Allah (Azza Wa Jal):

{Allah does not require of any soul more than what it can afford. All good, will be for its own benefit, and all evil will be to its own loss. 'The believers pray,' "Our Lord! Do not punish us if we forget or make a mistake.} [Al-Baqarah 286].

3) They also used as evidence, the work of Prophet Yusuf, (as) for the King of Egypt.

However, Ibn Taymiyyah stated regarding the work of Prophet Yusuf (as): **"The governance, even if it is permissible or mustahab/recommended or wajib/obligatory, another position could be better or more obligated. Then the man chooses what is better or what is more beneficial of the two; obligatory at times and desirable at other times. So from this angle Yusuf, the truthful one undertook the governance of the treasuries of the land of Egypt. Rather, the king's issue was to appoint him over the treasuries of the land, while he and his people were disbelievers, as the Allah (Azza Wa Jal) said:**

{And Yūsuf had already come to you earlier with clear signs, but you remained in suspicion about what he brought to you.} (Ghafir: 34)

And Allah (Azza Wa Jal) said about him:

{O my fellow prisoners, are different gods better or Allah, the One, the All-Dominant? Whatever you worship, other than Him, are nothing but names you have coined, you and your fathers.} (Yusuf:39-40).

It is known that despite their disbelief, they had a custom and a way to take charge of the wealth and spend it on the entourage of the king, his family, his soldiers and his subjects, and this management would not be in accordance with the Sunnah of the prophets and their justice, and Yusuf would not be able to do everything as he would have wanted in accordance to the religion of Allah, as the people did not respond to him. However, he did what was possible of justice and charity. Thus, he obtained with

authority, the honour of the believers in his household (of Prophet Ya'qub), which he could not have attained without authority, and this is all included in Allah's saying:

{So, observe taqwā (total obedience to Allah in awe of Him) as much as you can..}" (At-Taghābun:16) [End of quote]

Sheikh al-Islam Ibn Taymiyyah also said: **"If two duties are wajib/obligatory and cannot be combined, then priority is given to the more important one and the other is not considered in this case a wajib/obligation, and leaving it because of doing the important one, in reality, is not considered as leaving the obligation. Likewise, if two muharram/prohibitions are combined, and it is not possible to leave either except by committing the act of the lesser of the two (prohibitions), then, in this case, the act of the lesser evil is not in reality considered prohibited. And if the former is called abandoning an obligation, and the latter a forbidden act, it generally does not harm. In such a case, it is said that the wajib was abandoned for a valid excuse, and the forbidden act was done for the most likely interest, or necessity, or to ward off something more forbidden."** (Majmooh Fatawa 56/20)

A refutation of the evidence presented

I say, with regards to what they stated, of what they thought to be evidence, when in fact they are nothing more than conjecture, the response to it - in brief - is:

The Verse of Surah Al-Rum:

Firstly, the sanad/chain of transmission (for the hadith) which relates the story of the Muslims' happiness for the victory of the Romans over the Persians is not authentic. The most authentic of what has been narrated is that their rejoice at the time of the Romans' victory was for the day of Badr.. it coincided at the same time.

However, even if the story is proven to be authentic, then the mere heartfelt joy of the victory of a kafir over another kafir - without the participation of the Muslims with any of the two parties - is not to be made qiyās/analogy and be compared to committing the act of explicit Kufr, by choosing a tāghūt legislator, and aiding and supporting them for their Kufr and Shirk by word and deed, as is the case (when participating) in the democratic shirkiyya- elections.

Principle: "Necessitates permit prohibitions":

Secondly, the principle "Necessities permit prohibitions" is with regards to those prohibitions which are less than kufr and Shirk, and the election of legislators with Allah is from the actions of shirk. In addition, Kufr and Shirk are not allowed to be committed intentionally, except in the case of ikrah mulji'/ forced coercion (from which he can't escape), which is considered and accepted by Shari'a, and that is which leads to killing, damage to organs or severe torment, which the afflicted person cannot bear, in which case the person is not held accountable for what he reveals outwardly, as long as his heart is at rest and firm with Iman.

This is because of the statement of Allah (Azza Wa Jal): **{Whoever disbelieves in [i.e., denies] Allah after his belief, except for one who is forced [to renounce his religion] while his heart is secure in faith. But those who [willingly] open their breasts to disbelief, upon them is wrath from Allah, and for them is a great punishment.}** [Nahl:106]

Therefore, according to the scholars, the principle 'Necessities Permit Prohibitions' cannot be applied to kufr and shirk. Rather, it cannot even be applied to immoralities such as adultery, sodomy and incestuous marriage according to the scholars, let alone Kufr and Shirk!!

The work of Prophet Yusuf عليه السلام

Thirdly, the work of Yusuf (A.S) did not involve Kufr and Shirk, nor legislating with Allah or ruling with other than His law. Rather, he said while he was oppressed in prison, as evidenced by the ayah in the Qur'an:

O [my] two companions of prison, are separate lords better or Allah, the One, the Prevailing? You worship not besides Him except [mere] names you have named them, you and your fathers, for which Allah has sent down no evidence. Legislation is not but for Allah. He has commanded that you worship not except Him. That is the correct religion, but most people do not know. [Yusuf: 39-40]

So how can one make an analogy of the mubāh/permissible work of Prophet Yusuf, which was to preserve the treasuries of cultivation for the people of the country and take care of them for a Muslim king, (according to the statements of the majority of the mufasireen, that he embraced Islam after Yusuf spoke to him with the speech of the previous Prophets, which is the call to Tawheed and the rejection of Shirk). How can that be compared to electing and appointing legislators who are worshipped besides Allah, and who contest with Him the right to legislate, and they associate themselves with Allah in His right.

So the one who claims that the action of Prophet Yusuf is the same act as those who legislate is asked the following question:

Do you think that Yusuf (A.S) practiced Kufr, Shirk, legislating with Allah, ruling and seeking judgment from other than His law?

If he replies in the affirmative (and says "yes"), then he is a hopeless, wicked immoral disbeliever. However, if he replies in the negative (and says "no"), then his use of this evidence is invalid from the start, for that which is Kufr and Shirk, of electing lawmakers and legislators, who dispute and contest Allah's right to legislate and support those who present themselves for that.

Passing down the ruling of Takfir upon those who Permitted the Elections:

Know may Allah guide us to the truth, and keep us steadfast upon it, that this is a response to the speculations which they presented to permit the Kufri democratic elections, is to clarify and to make clear that the speculations which the likes of **Al-Tarifi, Al-Huwaini, Muhammad Hassan, Sulayman Ulwan and others stated** - who issued a fatwa for their entry and participation in them - are corrupt!

And so that those who hold less knowledge, and the ones who follow specific men (make taqlid) and the simple common laymen do not become deceived by them!

It is also to demonstrate that what they issued the fatwa with, based on these interpretations and absurd inconsistent evidence, does not fall within the circle of ijtiḥād **sa'igh***¹ (plausible ijtiḥād accepted by Shari'a), in accordance with the principles of Ahl-Sunnah Wal-Jama'ah in obtaining and making istidlāl/deducing evidence from the texts of Quran and Sunnah. So the corruption of these speculations and the invalidity of reliance upon them is because it nullifies Tawḥeed - which is the greatest maslaha/interest ever to be upheld and preserved - and the action of shirk, it being the greatest corruption ever to be repelled, a matter which is not concealed from the likes of those who teach knowledge to the common people and give fatwas to them. Rather it is a speech of desires, false covering and fraud! Allahul- Musta'an!

So their fatwa contradicts the first and foremost greatest principle from the principles of Ahl-Sunnah in obtaining and deducing evidence, which is to single out Allah Alone in worship and to reject shirk, it being the greatest of evils to be condemned and the greatest corruption, against which no other evil compares, and to avoid it and to actualise Tawḥeed is the greatest of maslaha/interests ever, against which no interest compares. Thus, fasad/corruptions and maslah are measured by the scale of Shar'iah!

In addition, their fatwas violate the principle "**There is no Ijtihad in the presence of the text of Qur'an and Sunnah**", and (in the presence of) many textual evidence to avoid Shirk and the prohibition to commit it - except for the one under Ikrah/forced compulsion. So with which ijtihad is it permissible to commit Shirk deliberately - without compulsion - and issue a fatawa for the common people??!!

Furthermore, their fatwas violate the principle: "**If the available text gives possible meanings to a matter concerning the prophets and the righteous, such as the Companions, then (we take the best of the possible interpretations), as it is carried on the best of accounts.**" Then you see them after this, presenting and establishing their evidence on (the work of) the Prophet of Allah, Yusuf, in that which Allah had granted him of tamkeen/ establishment in the land, in a matter which is mubāh/permissible, and they justify with this the permissibility of explicit shirk and kufr bawāh!

Therefore, their fatwa's are established upon corrupted speculations, which does not give us an excuse to hold back our takfir of them, as it is not acceptable ijtihad, in accordance with the principles of Ahl-Sunnah Wal-Jama'ah when making istidlāl/deducing evidence, which would have made the **muta'awwil***² (i.e. one who interprets the textual evidence) from those who receive one reward or two rewards!!

So these muftis - among whom I mentioned and others - are murtadeen/apostates kuffār. Rather they are preachers of kufr and misguidance, and they are to be disassociated from and not prayed behind and are to be forsaken and treated as disbelievers until they repent of their disbelief in Allah, in justifying Shirk with Him, Subhānah.

[1] Ta'weel as-sāigh is an interpretation which is based on a linguistic meaning in the Arabic language or an interpretation based upon the text of the Quran and sunnah that the Shari'ah considers credible.

[2] Muta'awwil: A person making ijtihād who receives one or two rewards.

Statements of the Salaf regarding the Muta'awil:

Imam Qawām As-Sunnah Ismail al-Asfahāni (535 AH) (May Allah have mercy on him), said: **"If the muta'awil (one interpreting the evidence) makes a mistake and he is one of the people of Iman, then his interpretation is looked into. So if it is in relation to a matter which gives rise to the controversy of parts of the Book of Allah, or contradicts a Sunnah for which an excuse is not permitted, or a consensus, then he is to be judged a disbeliever and is not excused. The reason being that the ambiguity and doubt that relates to the matter (i.e. weak interpretation) does not strengthen that by which he can be excused because of the apparent clarity of the asl/foundation, as it was not difficult for the one who said this (i.e. issued the fatwa) to realize and reach the truth. Since the evidence and arguments are not concealed from his likes, then him overlooking them does not excuse him for deviating from the truth. Rather he acted contrary to that, on the basis that he was stubborn and persistent."** [End of quote] [Al-Hujjah fi Bayan Al-Muhaja' (551/2)]

Furthermore, Sheikh Al-Sa'adi stated when explaining that the people of unjustified interpretation should not be excused for their corrupt interpretations of their falling into disbelief: **"What is meant is that it is necessary to make an observation at this point because he found some details in which the scholars made takfir of the one who was ascribed to it (i.e. the one whose interpretation contradicts the Qur'an and Sunnah) while having another similar of its kind by which they did not make takfir of him. The difference between the two matters being that the one they asserted his disbelief in is due to the lack of ta'wil sāigh (plausible interpretation) and the absence of confusion of the evidence which would have given him some excuse. This is why they differentiated in their statements regarding the matter of excuse due to the many possible interpretations that occur therein."** [Al-Irshad fi Ma'rifat Al-Ahkam)

Whoever makes ta'seel*³ due to the presence of excuse of ignorance (in a matter) is not the same as one who makes ta'seel for the permissibility of shirkiyya elections:

The former (one who makes ta'seel due to the excuse of ignorance), if his ta'seel conforms to the principles of Ahl-Sunnah Wal-Jama'ah, and he established (after constructing the matter based on evidence) that ignorance is a preventative barrier for the mushrik like ikrah is, but he does not hold back in making takfir of a specific person who makes shirk with Allah, then this person is mistaken, and Allah (Azza Wa Jal) has forgiven this ummah for its mistakes, and from this is the mistake when making ijtiḥād, if the ijtiḥād is in accordance to the principles of Ahlul-Sunnah.

Evidence:

Allah (Azza Wa Jal) says: **{There is no blame on you for what you do by mistake, but 'only' for what you do intentionally. And Allah is All-Forgiving, Most Merciful.}** Al- Ahzab:5

And He said: **{“Our Lord! Do not punish us if we forget or make a mistake.”}**

It has also been reported in the Sahihayn on the authority of Amr bin 'Ās, that he heard the Messenger of Allah say,

"إِذَا حَكَمَ الْحَاكِمُ فَاجْتَهَدَ ثُمَّ أَصَابَ، فَلَهُ أَجْرَانِ، وَإِذَا حَكَمَ فَاجْتَهَدَ ثُمَّ أَخْطَأَ، فَلَهُ أَجْرٌ "

"When a judge gives a ruling, having tried his best to decide correctly, and is right (in his decision), he will have a double reward; and when he gives a ruling having tried his best to decide correctly, and is wrong (in his decision), he will have a single reward." [Agreed upon].

**³ Ta'seel: It is to construct and detail mas'alah's/matters based on evidence*

So a mujtahid/one making a judgement is sometimes mistaken in establishing a matter, such as ignorance, whether it is from the mawāni'/preventatives by which Allah has forbidden making takfir of or not. He does not fall into a nullifier just by making this mistake in ta'seel, as he did not permit shirk nor allowed it, nor does he hold back in making takfeer of a specific mushrik individual whose shirk is clearly displayed.

However, if after his ta'seel, he holds back in making takfir a specific mushrik, and excuses him for ignorance and calls him a Muslim, then the hujjah/proof is established against him and the doubt and misunderstanding is removed from him (by explaining to him with evidence). If he insists on this and continues to hold back in his takfir of him after it has been made clear to him, then he is a disbeliever. This is because by doing this, he changed Allah's judgment regarding a specific person who worshiped something other than Him and named him with other than that by which Allah named the one who commits the act of shirk, and the doubt in that was removed from him (by explaining) and he persisted. Thereafter he becomes a disbeliever due to falling into the nullifier which is based upon a consensus/Ijmā', of not making takfir of the mushrikeen, or doubting their disbelief based on a corrupt suspicion and doubt.

As for the one who makes ta'seel for permitting elections, then he has fallen into shirk just by making ta'seel because he has allowed and aided others to permit a clear action of kufr and Shirk by calling the people towards elections and permitting it on the pretext of minimizing evil and the lesser of two evils, while in fact falling into the aiding of kufr and Shirk is the greatest evil..which are not alike

The reason being that the interpretation of permitting elections, in reality, made him fall into permitting the aiding of shirk. It is well known that the one whose ijtiḥad and interpretation of the evidence leads to the occurrence of one of the nullifiers of Islam becomes a disbeliever, and this ta'wil and ijtiḥad is not a mawāni/a preventative barrier of his disbelief.

Thereafter:

1- If his ta'weel was mustasāgh (credible according to Shari'a) then takfir is made on him after explanation and clarification to him of the matter.

2- If his ta'weel and use of principles is fāsīd/corrupt, then takfir is made upon him straightaway.

And even if the evidence used in permitting elections is considered credible by shari'ah, and even if he does not call towards a particular election in a particular country, just by this weak doubtful evidence, he has invited the people to participate in shirkiyya elections, and this is kufr.

He is not like the one whose ijtiḥād and ta'seel remained within the belief of the texts of the Quran and sunnah, as is the case of the one who makes ijtiḥād and makes ignorance a valid preventative (of takfeer) and remained in the field of ta'seel shar'i, as we mentioned at the beginning of the article, whose his ta'seel did not cause him because of the presence of uthr bil jahl (excuse of ignorance) for the one who made shirk with Allah, in passing the ruling of kufr upon a particular person. This category falls into kufr after explanation and clarity, due to the saying of Allah Azza Wa Jal, **{And Allāh would not let a people stray after He has guided them until He makes clear to them what they should avoid. Indeed, Allāh is Knowing of all things.}** (Tawbah:115)

Declaration of barā/disassociation from those who permit shirkiyya elections

All Praise be to Allah, the Lord of the Worlds, and may the prayers and peace be upon all the best of the creation of Allah ﷺ, his family and his

faithful companions, and those who followed them in goodness until the Day of Judgment.

I make bara/disassociate before Allah, from all those who have issued fatwas on the permissibility of shirkiyya -elections and call for it with weak invalid arguments, permitting by it the aiding of kufr/disbelief and Shirk and ruling by the Taghut, by electing tawagheet who rule by other than the law of Allah.

I do not view permissible the one who gives fatwa for this - from the ones who are considered to be from the Ulema and Mashaayekh, such as Tarifi, Ulwan, Al-hawayni, Muhammad Hassan, and others, who permit voting, claiming that he has credible ta'wil/interpretation by which he is excused for what he has permitted in the aiding of Kufr and Shirk.

I see their kufr and ridda/apostasy until they repent to Allah for what they have permitted for the people and have allowed the people to fall into the shirk involved in elections.

I do not consider it permissible to defend and revere them, praise them in front of others, or honour them while they do not display their return to Islam and repentance/tawbah from what they have fallen into from disbelief and corruption.

Allah (Azza Wa Jal) says about the Prophet of Allah Musa (A.S) : {He said, **"My Lord, for the favor You bestowed upon me, I will never be an assistant to the criminals."**} [Surah Al-Qasas 17].

And Allah says: **{And do not incline toward those who do wrong, lest you be touched by the Fire, and you would not have other than Allāh any protectors; then you would not be helped.}** [Hud: 113]

So the ones who honour and praise and defend with falsehood/batil those who permitted the democratic shirkiyya -elections, let them fear Allah, and let his glorification be to the deen of Allah and its sanctities more than the praise of men, whoever they may be.

No one is excused: Know that there is no relation/lineage between Allah and His servants, and He does not favour His servants, for indeed Allah said about His infallible prophets - after the mention of eighteen prophets in Surah al-An'aam:

{Had they associated others with Him 'in worship', their 'good' deeds would have been wasted.} And he said addressing his beloved Nabi, {And it was already revealed to you and those before you that if you should associate [anything] with Allāh, your work would surely become worthless, and you would surely be among the losers.} [Zumar:65]

And far be it that these prophets would commit shirk! For Allah has made them infallible of sins, but this is addressed to the ones who come after them, no matter how superior they are in knowledge and positions amongst the people.

And Allah is Most superior and knows best

End of Fatwa

Penned by Abu Bara'a as-Sayf حفظه الله

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